

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED

MAR 28 2008

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United States of America

Frankie Leo Carter

v.

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Case No: 4:03CR70169-001

USM No: 10240-084

Date of Previous Judgment: March 11, 2005

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months is reduced to 120 months*.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 32

Amended Offense Level: 30

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 121 to 151 months

Amended Guideline Range: 120 to 121 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☒ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

III. ADDITIONAL COMMENTS

The sentence imposed is the statutory minimum for the relevant offenses.

* The sentence is 120 months on each of Counts 1 and 2, to be served concurrently.

Except as provided above, all provisions of the judgment dated 3/11/2005 shall remain in effect.

IT IS SO ORDERED,

Order Date: 3-27-08

[Signature]
Judge's signature

Effective Date: 4/7/2008
(if different from order date)

Jackson Kiser, Senior United States District Judge
Printed name and title